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I. MICHAEL ROSS
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 I. MICHAEL ROSS,

13 Plaintiff,

14 v.

15 TOMLAB OPTIMIZATION AB,
16 TOMLAB OPTIMIZATION, INC.,
and DOES 1 through 20,

17 Defendants.
18

CASE NO. C08-01052 MHP

**STIPULATION AND [PROPOSED]
ORDER POSTPONING CASE
MANAGEMENT CONFERENCE**

19 WHEREAS:

20 A. Plaintiff I. Michael Ross (“Ross”), of the one part, and defendant Tomlab
21 Organization, Inc., on its behalf and on behalf of its parent Tomlab Organization, A.B. (hereinafter
22 jointly called Tomlab”), of the other part, are negotiating a settlement, and are optimistic that such a
23 settlement will be concluded within the next ten days. The effect of that settlement will be to
24 resolve all issues between those parties, and to dismiss the action as to Tomlab;
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26 B. Defendant Anil Rao (“Rao”) was only recently added as a defendant, by a Second
27 Amended Complaint filed on May 9, 2008, and he has not yet been served with the summons and
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1 complaint. Rao is therefore not yet a served party available to sign this stipulation;

2 C. Defendant Tomlab Organization, A.B. has also not yet been served with the
3 summons and complaint, and is also not available to sign this stipulation;

4 D. Ross and Tomlab believe that proceeding with a Case Management Conference at
5 this time would be a waste of judicial resources, and would impose wasted expense and
6 inconvenience on them by requiring them to complete the required pre-conference initial
7 disclosures, joint statement, etc. when a settlement appears imminent. Moreover, since Rao has yet
8 to be served and to appear in the action, he is not available to complete the required pre-conference
9 initial disclosures, joint statement, etc.;

10 E. Accordingly, in view of the foregoing Ross and Tomlab have agreed to jointly
11 request the Court to postpone the Case Management Conference now scheduled for June 9, 2008
12 for approximately 90 days, as they hereby do:

13
14 ACCORDINGLY, IT IS HEREBY STIPULATED by and between Ross and defendant
15 Tomlab Organization, Inc., through their respective counsel, that the Case Management Conference
16 currently scheduled for June 9, 2008 may be postponed to August 11, 2008, at 4.00 p.m., or such
17 other date as the Court may direct, and that the related dates for filing a Joint Case Management
18 Conference and for compliance with the other matters specified in the Order Setting Initial Case
19 Management Conference and ADR Deadlines (Document 2) and the Clerk's Notice Scheduling
20 Case Management Conference In Reassigned Case (Document 17) may be adjusted accordingly.

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27 Dated: May 19, 2008

CARR & FERRELL LLP

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/s/ Stuart C. Clark

By: _____
STUART C. CLARK
Attorneys for plaintiff I. Michael Ross

Dated: May , 2008

NEWHOUSE & ASSOCIATES

David E.

Newhouse

By: _____
DAVID E. NEWHOUSE
Attorneys for defendant Tomlab Organization, Inc.

Digitally signed by David E. Newhouse
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Date: 2008.05.19 13:08:02 -07'00'

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May , 2008

MARILYN HALL PATEL
UNITED STATES DISTRICT JUDGE